IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 1201 of 2005

Between:

1. P.Pushpalatha, W/o.Rajeshwar Reddy,
   R/o.H.No.1-2-60/45, Shanthinagar, Adilabad District.

2. Pradeep Reddy, S/o.Siva Reddy,
   R/o.1-2-15/B/1, Shanthinagar, Adilabad District.

3. K.Laxmi, W/o.Vinayak Reddy,
   R/o.1-2-159, Shanthangar, Adilabad District.

4. T.Rajanna, S/o.Rajaram,
   R/o.1-2-79, Shanthinagar, Adilabad District.

5. Abul Mehasin, W/o.Mohammed Shah,
   R/o.1-2-86, Shanthinagar, Adilabad District.

.. PETITIONERS

AND

1. The Govt. of A.P. rep.by its Principle Secretary,

Municipal Administration Dept., Secretariate

Building at Hyderabad.

2. The District Collector, Adilabad District, Adilabad.

3. The Commissioner, Town Municipality,

Adilabad District, Adilabad.

4. Suresh Reddy, S/o.Ramchander Reddy,
   R/o.Sangidi village, Mandal Bela, Adilabad District.

5. Laxminaryana, S/o.Linganna,
   Shanthinagar, Adilabad District, Adilabad.

...RESPONDENTS

* * * *

ORDER:

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This writ petition has been filed by the petitioners, who are 5 in number, with a prayer to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus directing the respondents 2 and 3 herein to remove the illegal construction erected by the respondent Nos.4 and 5 and their agents and relatives on the earmarked park/open space situated in between plot Nos.17 and 18 to the extent of 70 x 60 feets at Bhumanna Dubba of Shanthinagar locality, Adilabad town.

2. It is the case of the petitioners the respondents 4 and 5 illegally occupied the plots bearing Nos.17 and 18, which are earmarked for park, and are proceeding with the constructions and thus they have approached this court seeking necessary direction to the respondents 1 and 2 to stop the constructions of respondents 4 and 5.

3. It is stated in the counter-affidavit that as per sanctioned Master Plan of Adilabad town, the plots in dispute are not earmarked for park. I deem it appropriate to refer para 4 of the counter-affidavit and it is thus:

" It is respectfully submitted in reply to para 3 of the affidavit, I submit that the petitioners may be put to strict proof regarding their residing in Shanthinagar Colony of Adilabad town. It is true that the Adilabad Municipality was the owner of the land at "Bheemanna Dubba" long back and the same land was allotted to the employees of the municipality long back and the entire area is developed by constructing houses and there is no sanctioned layout plan for this "Bheemanna Dubba" area. Further, it is submitted that a layout plan was

approved by the Director of Town and Country Planning, Andhra Pradesh, Hyderabad, for the "Bheemanna Dubba" area, assigning L.P.No.373/82, wherein the suit site is not shown or earmarked for park. As per sanctioned Master Plan of Adilabad Town the suit site is also not earmarked for park. As the suit site was vacant all these days, the children of the locality might have played there, the petitioners cannot take advantage of children playing on the petitioners vacant site."

4. Learned counsel for the petitioners submits that plot Nos.17 and 18 over which the respondents 4 and 5 are proceeding with construction are earmarked for park and therefore they are required to be prevented from proceeding with further construction. Learned Standing Counsel appearing for the third respondent submits that as per sanctioned layout, plot Nos. 17 and 18 are not earmarked for park. The counsel for the petitioners has not placed any record to show that plot Nos.17 and 18 are earmarked for park or for any public purpose. Such is the situation, no relief can be granted to the petitioners in exercise of powers under Article 226 of the Constitution of India. Thus writ petition is devoid of merits.

5. Accordingly, the writ petition is dismissed. No costs.

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B.SESHASAYANA REDDY, J.

Date: 13th September 2005.

BSB